

DIST/OFFICE	DOCKET YR.	NUMBER	FILING DATE MO. DAY YEAR	J	N/S	O	R	H 23	\$	DEMAND OTHER	JUDGE NUMBER	JURY DEM.	DOCKET YR.	NUMBER
1085/4	75	0469	10 10 75	03	440	01			250		8509	P	75	0469-B

PLAINTIFFS

JOANN McDonald

DEFENDANTS

JESS O. WALKER, ROBERT M. THOMPSON,
FLOYD MOSS, ~~HAROLD D. MORGAN~~, KENN-
ETH McDONALD, ~~ARCHIE JONES~~, EMMETTE
HULL, ~~JOE DAVENPORT~~, JOHN DOE, un-
known Police Officer for the City
of Vinita, Oklahoma, and Southwest-
ern Bell Telephone Company

~~Larry D. Stuart~~, add. party deft.
as of 9-14-76

CAUSE

28 USC Sect. 1343 (3)
28 USC Sect. 1343 (4)
28 USC Sect. 1331
42 USC Sect. 1983
42 USC Sec. 1985 (2)

42 USC Sect. 1985 (3)
Civil Action to Recover Damages for Deprivation of Civil
Rights Secured by Fourth, Fifth, Sixth, Tenth, & Four-
teenth Amendment to US Constitution.

ATTORNEYS

K. Lynn Anderson
Center Office Building
630 West 7th, Suite 500
Tulsa, Oklahoma 74127

Pat Malloy (~~Morgan, McDonald & Jones~~)
Malloy & Malloy
Thurston National Bldg.
Tulsa, Oklahoma 74103 (583-0301)

(Walker) O. B. Johnston III
P. O. Box 574
Vinita, OK 74301

Thomas J. Enis (~~Southwestern Bell~~)
707 North Robinson, Room 921
Oklahoma City, OK 73102
236-6751
David K. Robertson
Larry D. Stuart (~~Walker, Moss, Hull &~~
Asst. D.A. Davenport)
P. O. Box 906
Vinita, OK 74301
(918) 256-3320

William W. Bailey (Robt. Thompson)
109 East Canadian
Vinita, OK 74301
918-256-6409
Tom E. Smith (~~Larry Stuart~~)
P. O. Box 308
Poteau, OK 74953 647-3121

☒ CHECK
HERE
IF CASE WAS
FILED IN
FORMA
PAUPERIS

FILING FEES PAID

DATE

RECEIPT NUMBER

C.D. NUMBER

STATISTICAL CARDS

CARD DATE MAILED

JS-5 10-10-75

JS-6 4-1-78

DATE	NR.	PROCEEDINGS
10-10-75	1.	Application to Proceed without Prepayment of Costs, Affidavit in Support thereof, and Order authorizing, filed. (HDC-J)mm
10-10-75	2.	Affidavit of Financial Status, filed. mm
10-10-75	3.	Complaint, filed. Summons issued.mm <u>JURY TRIAL DEMAND</u>
10-30-75	4.	Appl. for Ext. of Time to Appear filed by defts. Morgan, McDonald and Jones.jj
10-30-75	5.	Order, filed, Extending Time to Appear until 11-14-75.(JCS-Clk)jj
11-4	6	Motion of SW Bell for ext. of time to answer, filed. g <i>oto</i>
11-4		Summons, ret. & filed: served Floyd Moss, Welch, Ok., 10-21-75; Archie Jones, Vinita, Ok. 10-21-75; Joe Davenport, Delaware County Sheriff's office, 10-21-75; Harold D. Morgan, Vinita, Ok. 10-21-75, SW Bell Telephone Co., Ok. City, 10-15-75; Kenneth McDonald, Vinita, Ok. 10-21-75, Jess O. Walker, Vinita, Ok. 10-21-75, Robert M. Thompson, Vinita, Ok. 10-21-75, Emmett Hull, Vinita, Ok. 10-21-75. (USM \$58.48)g
11-6	7.	Defts. Walker, Moss, Hull, & Davenport's appl. for time til 12-11-75 to answer, filed.k <i>oto</i>
11-6	8.	Order, filed, granting S.W. Bell time to ans.until 11-14-75(AEB-J)jj copies mailed.
11-10	9.	Deft. Robt. M. Thompson's appl. for 15 days to ans., filed.k <i>oto</i>
11-11	10	Order, filed, granting Deft. Thompson til 11-25-75 to answer. (JCS-Clk)k cps mld
11-13	11	Motion of deft. SW Bell Telephone to dismiss for failure to state a claim, filed. g
11-13	12	Brief in support of Bell's motion to dismiss, filed. g
11-13	MO	Ordered by Court that pltf. has 10 days to file response to Bell's motion to dismiss. (AEB-J)g
11-12	13.	Order, filed, granting defts. Walker, Moss, Hull & Davenport until 12-11-75 to plead or answer. (AEB-J)hm (copies mailed)
11-14	14.	ANSWER of S.W. Bell Tele. Co., filed.jj
11-14	15.	Answer of Defts. Morgan & McDonald, filed. ph
11-14	16.	Motion to dismiss on behalf of Deft. Archie Jones, filed. ph
11-14	17.	Brief in support of motion to dismiss of Archie Jones, ^{with Affidavit,} filed. ph
11-14	MO:	Ordered by Court that Pltf. has 10 days to file response to Jones motion to dismiss. (AEB-J) ph Ltrs.mld.
11-24	18.	Motion of pltf. for ext. of time to file resp. brief to mo/dismiss of deft. Jones, filed. hm <i>oto</i>
11-24	19.	Motion of pltf. for ext. of time to file resp. brief to mo/dismiss of deft. S'Western Bell Tel. Co., filed. hm <i>oto</i>
11-25	20	Order, filed, granting Pltf. time to file a responsive brf to the Mot. to dismiss on behalf of Deft., Archie Jones, until Dec. 14. (AEB-J)tc cps mld.
11-25	21	Order, filed granting Pltf. time to file a responsive brf to the Mot to dismiss on behalf of Deft., S/W Bell Telephone Co., until Dec. 14. (AEB-J)tc cps mld.
12-11	22	ANSWER of def., Joe Davenport, filed. rm
12-11	23	ANSWER of def., Floyd Moss, filed. rm
12-11	24	ANSWER of def., Jess O. Walker, filed. rm (contd)

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. <u>75-C-469</u>
JOANN McDONALD		JESS O. WALKER,	PAGE <u>2</u> OF <u> </u> PAGES
DATE	NR.	PROCEEDINGS	
<u>1975</u>			
12-11	25	ANSWER of def. Emmett Hull, filed. rm	
12-15	26	Responsive brief of Pltf. Joann McDonald to Mtn. to Dismiss on behalf of deft. Archie Jones, filed.jj	
12-17	27.	Answer of deft. Robert M. Thompson w/Affidavits of Robert M. Thompson, Jerry Hallum, Larry Parrish, Denver Davenport, John King, Jake Morrison, Eddie Anderson, Harold Hensley, Bill Kelsey and Raymond Clarkson, filed. ph	
12-17	28.	Resp. brief of Pltf. Joann McDonald to the mo of deft. Southwestern Bell Telephone Co. to dismiss complt. for failure to state a claim, filed. nh	
<u>1976</u>			
1-12	MO	Case referred to Mag. Bradford for F&R re pending motions. (AEB-J)k	
1-29	29	Notice of pltf. to take dep. of JoAnn McDonald, filed. g	
2-25	MO	Case set for hrg. on pending mots. before Mag. Bradford on 3-17-76 at 3:00 p.m. (MLB-Mag)k ntc by KT	
3-17	MO	Upon request of pltf. counsel, case passed to next motion docket. (MLB-Mag)k <i>partially argued by KT</i>	
3-19	MO	Case set for hrg. on pending mots. before Mag. Bradford on 4-14-76 at 9:30 a.m. (MLB-Mag)k ntc by KT	
3-22		Depo of Thelma Jo Ann McDonald on behalf of the deft Southwestern Bell Telephone Company take before James C. Hickerson Fees \$106.50 pd by deft Southwester Bell, filed.t	
4-14		Case called for hearing before Mag. Bradford on pending motions. Parties represented. Deft. SW Bell's motion to dismiss complaint for failure to State a claim sustained. Deft. Archie Jones' motion to dismiss, sustained. Deft. to prepare Order & F&R in 5 days.(MLB-Mag)b	
4-20	30	Findings & Recommendations of Magistrate, filed.(MLB-Mag)t cps mld,	
4-28	31.	Mot. of Deft., Harold Morgan, to Dismiss Compl. for Failure to State a Claim, fld.v	
4-28	32.	Brief in support, filed. v	
4-28	MO:	Pltf. granted 10 days to respond. (AEB-J)v	
5-10	33.	Pltf's mot. for time until 6-9-76 to respond to deft. Morgan's mot. to dismiss, filed.k o to J	
5-17-76	34	Order, filed that Pltf time to file responsive brf. be extended until June 9th.(AEB-J)t cps. mld.	
5-17	35	Order, filed that Mot. of Deft S.W. Bell to dismiss compl for failure to state a claim upon which relief can be granted be and same is hereby granted.(AEB-J)t cps. mld. Entered.k	
6-9	36	Pltf's. brief in opposition to Def. Harold Morgan's motion to dismiss, filed.s	
6-14	37.	Findings & Recommendations of Magistrate, filed. Recommended that deft. Archie Jones' motion to dismiss be overruled for want of prosecution, said deft. &/or his counsel having failed to appear for hrg. (MLB-Mag)k cps mld	

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. _____
			PAGE ____ OF ____ PAGES
DATE 1976	NR.	PROCEEDINGS	
2-24	38.	Pltf's motion to add Larry D. Stuart, Asst. D.A., Vinita, OK, as additional party deft., filed.k	
9-14	MO	The Court has for consideration the pltf's mot. to add Larry D. Stuart as an additional party deft., and, being fully advised in the premises, finds that said mot. should be sustained. IT IS, THEREFORE, ORDERED that pltf's mot. to add Larry D. Stuart as an add. party deft. be & the same is hereby sustained & pltf. is granted 10 days to file an amended compl. and issue process. (AEB-J)k cps mld	
9-27	39.	Amended Compl. adding party Deft. Larry D. Stuart, fld. JURY TRIAL DEMANDED. V -summons issued.	
10-5		Summons, ret. & filed: served Larry D. Stuart 9-29-76. (USM \$23.44)g	
10-15	40	Answer of Larry D. Stuart to amended complaint, filed. g	
10-26	41	Answer of Kenneth McDonald to pltf's Amended Complaint, filed. lm	
10-26	42.	Answer of deft. Archie Jones to pltf's Amended Complaint, filed. lm	
10-26	43.	Deft. Archie Jones' motion to dismiss amended complaint, filed. lm	
10-27	MO	It is ordered by the Court that pltf. is granted ten days from this date to file a response to deft Jones' motion to dismiss amended complaint. (AEB-J)lm ltrs mld	
10-26	44.	Answer of Harold D. Morgan to pltf's Amended Complaint, filed. lm	
10-27	MO	It is ordered by the Court that pltf. is granted ten days from this date to file a response to deft. Morgan's motion to dismiss amended complaint. (AEB-J)lm ltrs mld.	
10-26	45.	Deft. Morgan's motion to dismiss amended complaint, filed. lm	
11-1	46.	Deft. Larry D. Stuart's motion to dismiss complaint, filed. lm	
11-1	47.	Brief in support of deft Stuart's motion to dismiss complaint, filed. lm	
11-1	MO	It is ordered by the Court that pltf. is granted ten days from this date to file a response to deft. Stuart's motion to dismiss complaint. (AEB-J)lm ltrs mld	
11-2	48.	Answer of deft. Robert M. Thompson to pltf's Amended Complaint, filed. lm	
11-8	49.	Pltf's response to deft. Morgan's mot. to dismiss amended compl, fld.k	
11-8	50.	Pltf's appl. for time til 11-16-76 to respond to deft. Jones' mot. to dismiss amended compl., filed.k O to J	
11-10	51.	Order, filed, granting pltf. til 11-16-76 to file response to deft. Jones' mot. to dismiss amended compl. (AEB-J)k cps mld	
11-11	52.	Pltf's appl. to respond to deft. Stuart's mot. to dismiss 12-6-76, filed.k O to J	
11-12	53	Order, filed, allowing Pltf. JoAnn McDonald to & including 12-6-76, to file response to mot. to dismiss. (AEB-J)b cps mld	
11-16	54.	Pltf's response to Archie Jones' motion to dismiss amended complaint, filed.s	

PLAINTIFF	DEFENDANT	DOCKET NO. _____
JoAnn McDonald	Jess O. Walker, et. al.	PAGE ____ OF ____ PAGES

DATE	NR.	PROCEEDINGS
1976		
11-19	55	Deft. Archie Jones' answer to pltf's motion to dismiss amended complaint, filed.s
12-6	56	Pltf's brief in opposition to deft. Stuart's motion to dismiss, filed.s
1977		
3-30	57	Notice, fld., Notice is hereby given to all parties to this litigation that this Ct. will treat the Motions to Dismiss filed herein as Motions for S/J, & the parties are directed to proceed in conformity with Rule 56 of the Federal Rules of Civil Procedure. (AEB-J) cps mld ho
4-25	58.	Memorandum & Order, filed & entered, sustaining motions to dismiss of defts. Archie Jones, Harold Morgan and Larry D. Stuart for failure to state claim. (AEB-J)k cps mld
6-6	59	Deft., Jess O. Walker, mot. for S/J with brief in supp. of mot. for S/J & affidavit of Jess O. Walker & Linda Mosley. fld. ho
6-6	60	Deft., Emmett Hull, mot. to dismiss or in the alternative mot. for S/J, with brief in supp. and affidavit of Emmett Hull & Jess O. Walker. fld. ho
6-6	61	Deft., Floyd Moss, mot. for S/J., With brief in supp. & affidavit of Jess O. Walker & Linda Mosley. fld. ho
6-6	MO	It is ordered by the Ct. that the Pltf. file a responsive brief w/in 10 days to 1) Deft. Jess O. Walker, mot. for S/J.; 2) Deft. Emmett Hull, mot. to dismiss or in the alternative mot. for S/J.; 3) Deft. Floyd Moss, mot. for S/J. (AEB-J) cps mld. ho
6-7	62	Deft. Joe Davenport, mot. to dismiss or in the alternative mot. for S/J with brief in supp. therof & affidavit of Maxine Highsmith, Joe Davenport, Linda Mosley & Jess O. Walker. fld. ho
6-7	MO	It is ordered by the Ct. that the Pltf. file a responsive brief w/in 10 days to Deft. Joe Davenport, mot. to dismiss or in the alternative mot. for S/J. (AEB-J) cps mld. ho
6-16	63	Pltf. mot. for ext. of time to file responsive briefs to four mots. to dismiss or mots. for summary judgment. fld. ho O to J.
6-23	64.	Order, filed, granting pltf. until 7-16-77 to file responsive briefs to defts. Walker and Moss' mots. for S/J and to defts. Hull and Davenport's mots. to dismiss or for S/J. (AEB-J)k cps mld
7-18	65	Pltf. mot. for ext. of time to file responsive briefs to four mots. to dismiss or mots. for S/J. fld. ho O to J.
7-20	MO	The Court has for consideration pltf's appl. for time until 7-25-77 to respond to deft. Walker's mot. for S/J, deft. Hull's mot. to dismiss or for S/J, deft. Moss' mot. for S/J & deft. Davenport's mot. to dismiss or for S/J, and finds same should be granted. IT IS SO ORDERED. (AEB-J)k cps mld
7-25	66	Pltf. brief in opposition to mot. of Deft. Walker, for S/J. w/affid of JoAnn McDonald. fld. ho
7-25	67	Pltf. brief in opposition to mot. of Deft. Moss, for S/J. w/affid. of JoAnn McDonald. fld. ho
7-25	68	Pltf. brief in opposition to mot. of Deft. Hull, to dismiss or in the alternative for S/J. w/affid. of Jo Ann McDonald. fld. ho

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. _____
			PAGE ____ OF ____ PAGES
DATE	NR.	PROCEEDINGS	
1977			
7-26	69	Pltf. mot. to strike portions of affid. of Linda Mosley. fld, ho	
7-26	70	Pltf. brief in supp. of mot. to strike portions of affid. of Linda Mosley. fld. ho	
7-27	MO	It is ordered that the Defts. Walker, Moss, & Davenport file a responsive brief w/in 10 days to Pltf. mot. to strike portions of affid. of Linda Mosley. (AEB-J) cps mld. ho	
8-2	71	Deft. Jess O. Walker mot. for ext. of time to file responsive brief to Pltf. mot. to strike. fld. ho	
8-4	72.	Order, filed, extending time to file response to Motion to strike on behalf of Pltf. to & including 8-22-77. (AEB-J)b cps mld	
8-16	73.	Motoin of Defts' Jess O. Walker, Floyd Moss & Emmett Hull, to strike the affidavit of Pltf., Joann McDonald, filed. b	
8-16	74.	Brief in support of Defts Jess O. Walker, et al motion to strike affid. of Pltf., filed. b	
8-16	MO:	It is Ordered by the Court that the Pltf. file a responsive brief w/in 10 days to Defts' Motion to strike affidavit of Pltf. (AEB-J)b ltrs mld	
8-18	75	Deft. Jess O. Walker's brief in response to pltf's motion to strike portions of affidavit of Linda Mosley, filed. ra	
8-26	76	Pltf. mot. for ext. of time to file responsive brief to Defts. mot. to strike. fld. ho	
8-31	77	Order, fld. granting Pltf. an ext. of time until 9-9-77 to file response (AEB-J) cps mld. ho	
9-9	78.	Motion for Extension of time to file response to Defendants' motion to strike affidavit, filed. b O to J	
9-12	79	Order, filed, granting pltf. until 9-15-77 to respond to defts' mot. to strike affidavit of pltf. (AEB-J)k cps mld to movant	
9-15	80	Pltf. brief in response to Defts. Walker, Moss, & Hull mot. to strike the affid. of Joann McDonald. fld. ho	
9-26	MO	Case referred to Mag. Robert S. Rizley pursuant to Order No. M-128. (AEB-J)k	
10-28	MO	Case set for hrg. before Mag. on pending mots. on 11-10-77 at 11:15 a.m. (RSR-Mag)k ntc by KT	
11-10	Min.	Case called for hrg. before Mag. on pending mots. Parties represented. Mag. recommends that deft. Walker and deft. Moss' mots. for S/J be overruled; mot. of defts. Walker, Moss & Hull to strike aff. of pltf. be overruled; and deft. Hull and deft. Davenport's mots. to dismiss, or for S/J, be sustained. Pltf. counsel given 10 days to prepare F&R of the Mag. Also recommended that pltf's mot. to strike portions of aff. of Linda Mosley be overruled. (RSR-Mag)k	
11-21	MO	Pltf. counsel is granted until 11-22-77 to file F&R of the Mag. (RSR-Mag)k ntc by KT by phone	
12-6	81	Findings & Recommendations of the Magistrate, filed. Mag. finds that defts. Davenport & Hull's mots. for S/J should be sustained; defts. Walker & Moss' mots. for S/J be overruled; & mots. to strike affidavits be overruled. (RSR-Mag)k cps mld	
12-22	82	Order, filed & entered, that defts. Davenport & Hull's motions for S/J are sustained; defts. Walker & Moss' mots. for S/J are overruled; & mots. of defts. Walker, Hull & Moss to strike affidavit of pltf. & pltf's mot. to strike portions of affidavit of Linda Mosley are overruled. (AEB-J)k cps mld	
1978			
1-23	MO	Parties are directed to hold a pre-trial conf. on or before 3-13-78 & file an agreed pre-trial order on or before 3-20-78. (AEB-J)k cps mld	

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF Joann McDonald	DEFENDANT Jess O. Walker, et al	DOCKET NO. <u>75-C-469</u> PAGE <u>7</u> OF <u>4</u> PAGES sheets
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DATE 1978	NR.	PROCEEDINGS
1-27	83	Entry of appearance of O. B. Johnston III as counsel of record for deft. Jess O. Walker, filed.k
1-27	84	Appl. of David K. Robertson to withdraw as counsel of record for deft. Jess O. Walker, filed.k O to J
2-1	85.	Order, filed, allowing David K. Robertson to withdraw as counsel for deft. Jess O. Walker. (AEB-J)k cps mld to movant
3-20	86.	Pltf's appl. for ext. until 4-19-78 to file pre-trial order, fld.k 0
3-28	87	Pltf. mot. for dismissal of Kenneth McDonald, fld. ho 0 to J by atty.
3-28	88	Pltf. mot. for dismissal of Jess O. Walker, fld. ho 0 to J by atty.
3-28	89	Pltf. mot. for dismissal of Floyd Moss, fld. ho 0 to J by atty.
3-28	90	Pltf. mot. for dismissal of Robt. M. Thompson, fld. ho 0 to J by atty.
3-28	91.	Order of dismissal w/out prejudice as to deft. Thompson, filed & entered. (AEB-J)k cps mld by pltf.
3-28	92.	Order of dismissal with prejudice as to deft. Moss, filed & entered. (AEB-J)k cps mld by pltf.
3-28	93.	Order of dismissal w/out prejudice as to deft. McDonald, filed & entered. (AEB-J)k cps mld by pltf.
3-28	94.	Order of dismissal with prejudice as to deft. Walker, filed & entered. (AEB-J)k cps mld by pltf.

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NR.

PROCEEDINGS